
IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

**ACI CONSTRUCTION, LLC, a Utah
limited liability company,**

Plaintiff/Counterclaim Defendant,

v.

UNITED STATES OF AMERICA,

Defendant/Counterclaim Plaintiff,

v.

**SID CROOKSTON, LLC, a Utah limited
liability company,**

Counterclaim Defendant

ORDER

Case No. 1:19-cv-00054-JNP-JCB

District Judge Jill N. Parrish

Magistrate Judge Jared C. Bennett

District Judge Jill N. Parrish referred this case to Magistrate Judge Paul M. Warner under [28 U.S.C. § 636\(b\)\(1\)\(A\)](#).¹ Due to Judge Warner's retirement, this case is now referred to Magistrate Judge Jared C. Bennett.² Before the court is the United States of America's ("United States") Short Form Motion to Compel Production of Documents from Chatterton & Associates ("Motion").³ For the reasons set forth below, and because the Motion is unopposed, the court grants the Motion.

¹ ECF No. 26.

² ECF No. 39.

³ [ECF No. 47](#).

According to documents attached to the Motion, the United States served a non-party, Chatterton & Associates, with a document subpoena on October 26, 2020 (“Subpoena”).⁴ The Subpoena indicates that Chatterton & Associates was required to deliver its responsive production to the United States Attorney’s Office in the District of Utah on or before 5:00 p.m. on November 2, 2020.⁵

On November 4, 2020, the United States’ counsel spoke with the owner of Chatterton & Associates, Jared Chatterton (“Mr. Chatterton”), about the Subpoena. Mr. Chatterton indicated that he had a substantial number of records responsive to the Subpoena and requested that he have until November 6, 2020 to make responsive production. The United States agreed to the requested extension of time.

Mr. Chatterton did not make responsive production by the extended deadline. The United States then made numerous unsuccessful efforts to contact Mr. Chatterton concerning the Subpoena between November 2020 and January 2021. As of the date of the Motion, the United States contends that it has yet to receive any responsive production from Chatterton & Associates.

Based upon those events, the United States filed the Motion on February 8, 2021. The certificate of service attached to the Motion shows that the United States served the Motion on Chatterton & Associates via U.S. Mail. Under DUCivR 37-1(a)(6), Chatterton & Associates was

⁴ ECF Nos. 47-2, 47-3.

⁵ ECF No. 47-2.

required to file any response to the Motion within 5 business days, or by February 16, 2020.

Chatterton & Associates did not file any response.

Under Fed R. Civ. P. 45(d)(2)(B)(i), “[a]t any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.” The United States has satisfied the requirements of that rule. The United States has provided Chatterton & Associates with notice of the Motion. Additionally, the District of Utah is the district where compliance is required because the documents were to be produced to the United States Attorney’s Office in the District of Utah. *RSUI Indem. Co. v. Nat’l Rifle Ass’n of Am.*, No. MC-20-6-D, 2020 WL 4194526, at *1 (W.D. Okla. July 21, 2020) (citing several cases for the proposition that “[m]ost courts agree that the district where compliance is required is determined by the location or place of compliance identified in the subpoena”).

Therefore, and because Chatterton & Associates has not responded to the Motion, the court grants the Motion. DUCivR 7-1(d) (“Failure to respond timely to a motion, other than for summary judgment, may result in the court’s granting the motion without further notice.”).

Accordingly, IT IS HEREBY ORDERED:

1. The Motion⁶ is GRANTED.
2. Chatterton & Associates shall produce to the United States all documents responsive to the Subpoena within 14 days of the date of this order.

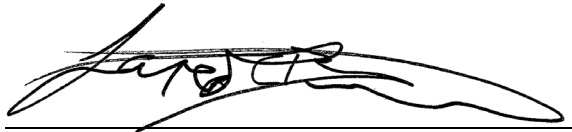
⁶ ECF No. 47.

3. Chatterton & Associates' failure to comply with this order may result in sanctions, including possible contempt sanctions under [Fed. R. Civ. P. 45\(g\)](#).
4. The United States shall be responsible for serving a copy of this order on Chatterton & Associates.

IT IS SO ORDERED.

DATED February 19, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Jared C. Bennett', is written over a horizontal line.

JARED C. BENNETT
United States Magistrate Judge